

**2003 DRAFTING REQUEST**

**Bill**

Received: **01/19/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **Tim Gary (aide)**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **DAK**

Submit via email: **YES**

Requester's email: **Rep.Friske@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Specialized medical vehicle providers

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 02/17/2003						State
/1	rryan 03/20/2003	kgilfoy 03/20/2003	jfrantze 03/21/2003		lrb_docadmin 03/21/2003		State
/2	rryan	kgilfoy	rschluet		mbarman	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/27/2003	06/27/2003	06/30/2003	_____	06/30/2003	09/23/2003	

FE Sent For:

<END>

→ At  
Intro.

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03/21/2003 09:26:59 AM

Page 1

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12-6/27  
dkmg
  
 6-30-03

03/21/2003 09:26:59 AM

Page 2

FE Sent For: .

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May Contact:

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Extra Copies:

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1?	dkennedy	1-3/20 <i>King</i>	2/3/01	<i>Self</i> 3/21			

FE Sent For:

&lt;END&gt;

**Kennedy, Debora**

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**From:** Gary, Tim  
**Sent:** Friday, January 17, 2003 11:02 AM  
**To:** Kennedy, Debora  
**Subject:** SMV bill draft

Debora,

The woman who answers LRB's phone said you were the likely bill drafter on this topic. I am sure something in this email will be unclear. Please feel free to call me at 6-7694 for clarifications.

Representative Friske wants to statutorily define Specialized Medical Providers (businesses licensed by the state of Wisconsin and eligible for MA reimbursement for transporting disabled patients to and from non-emergency medical appointments).

Representative Friske wants to define them by describing their fleet of vehicles.

There are rules in place that currently require that all vehicles used by SMV providers must be wheelchair accessible and meet other criteria as well.

Rep. Friske would like to define an SMV provider as a business that has at least one wheel chair accessible vehicle that meets the current standards.

This would prevent an individual who takes his disabled mother to the doctor in his/her Corvette from collecting MA money for taking dear old mom to the doctor.

I am speculating here, you are the expert at bill drafting, but I am guessing that you may want to do something like this (which I stole from the HSV definition):

Between SS Ch. 340(58a) and (59), insert:

(23g) "Specialized Medical Vehicle Provider":

- (a) Means a certified owner of at least one motor vehicle equipped with wheelchair access and modifications as required by in ? XYZ? which is not painted in accordance with s. 347.44 (1) and which is used for the purpose of transporting disabled persons as defined in s. 85.21 (2) (cm) in connection with any transportation assistance program for physically or mentally disabled persons to or from non-emergency medical appointments.
- (b) (b) Does not include:
  - 1. A motor vehicle performing transportation services under par. (a) provided by a volunteer. Under this subdivision, "volunteer" includes a person who may receive an allowance to defray vehicle-operating costs but does not include a person who receives compensation for his or her time for operating the vehicle.
  - 2. A motor vehicle operated in an urban mass transit system as defined in s. 85.20 (1) (e) and (L) or as a taxicab service or as a common carrier of passengers.
- 3. A school bus used for transportation under s. 120.13 (27) or 341.26 (7).

Thank you for your time and work on this,

**Tim Gary**

Research Assistant for

Representative Donald Friske (35th)

PO Box 8952

Madison, WI 53708-8952

Toll Free: 1(888) 534-0035

(608) 266-7694



FAX: (608) 828-3635

Email: Tim.Gary@legis.state.wi.us

<http://www.FriskeNet.net>



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-16097

RLR:.....

In 3/20/03

King  
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT<sup>Gen. Cat.</sup> relating to: Medical Assistance reimbursement for transportation by  
2 specialized medical vehicle.

*Analysis by the Legislative Reference Bureau*

Under current law, transportation by means of a specialized medical vehicle (SMV) to receive medical care is a covered Medical Assistance (MA) service for certain MA recipients. This bill requires that to be certified as an MA provider of SMV transportation, a provider must have at least one vehicle that is equipped to accommodate a wheelchair. The bill also provides that an MA provider of SMV transportation may receive MA reimbursement for transporting a person in a vehicle that is not so equipped if the person does not use a wheelchair.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 49.45 (3) (m) of the statutes is created to read:  
4 49.45 (3) (m) In order to be certified under s. 49.45 (2) (a) 11. to provide  
5 transportation by specialized medical vehicle, a person must have at least one  
6 vehicle that is equipped to accommodate a wheelchair. The department shall pay for

sub.

STET

1 transportation services by specialized medical vehicle under s. 49.46 (2) (b) 3. that  
2 are provided in a vehicle that is not equipped to accommodate a wheelchair if the  
3 person being transported does not use a wheelchair.

4 (END)

LRB 1609

Call from Tom Gany 6/10/13

Redraft 1609/1

- (1) Require that all of a SMV providers vehicles be wheelchair accessible or be able to be converted to accommodate a wheelchair
- (2) If a provider has 2 or more vehicles at least 2 must be wheelchair accessible

Human Services Vehicle - defined 340.01(23)  
DOT required to regulate under 110.05

HSV = used to transport disabled or elderly persons  
in connection w/ any transp. assistance prog.  
for elderly or disabled

Trans. Ch. 301 (Admin Code)  
- adopts fed reg. + adopts other reg.

301.60 HSV used to transp. person w/ disability  
in wheelchair must have ramp.

301.60-65 - other wheelchair reg.

49.46(2)(b)3. SMV benefit under MA

HFS 105.39 - Regs. for SMV providers

- must be in compliance w/ DOT requirements

HFS 105.39(3)(b) vehicle shall be equipped with  
lift or ramp for wheelchairs

Presumably all SMVs must be HSVs

\* Trans 301.60 - all HSVs used to  
transport a disabled person must  
have wheelchair ramp

Bill needs to trump this condition in Trans  
Code for purposes of MA reimbursement

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1609/2ins  
RLR:.....

**Anal. Ins 1:** ✓

✓ All vehicles used to provide SMV services must meet requirements imposed by the Department of Transportation for human service vehicles (HSVs), which are vehicles that are used to transport people who have a disability or are elderly. The Department of Transportation requires special equipment for HSVs that are used to transport people who use wheelchairs. The Department of Health and Family Services requires that all vehicles used to provide SMV services under MA ~~must~~ be specially equipped to accommodate a wheelchair. ✓

**Anal. Ins 2:** ✓

✓ Under the bill, if an MA-certified SMV provider uses two or more vehicles to provide SMV services, at least two of the vehicles must be equipped to accommodate a wheelchair and any third or additional vehicle must be a vehicle that can be converted to accommodate a wheelchair.

**Ins 1-6:** ✓

(NO 9) must have at least one human services vehicle, as defined in s. 340.01 (23g), that satisfies the requirements imposed under s. 110.05 for a vehicle that is used to transport a person in a wheelchair. If a certified provider uses ~~two~~ or more vehicles to provide specialized medical vehicle transportation services, at least ~~two~~ of the vehicles must be human services vehicles that satisfy the requirements imposed under s. 110.05 for a vehicle that is used to transport a person in a wheelchair, and any ~~third~~ or additional vehicle must be a human services vehicle to which the equipment required under s. ~~110.05~~ for transporting a person in a wheelchair may be added.

→ 110.05



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1609/1

RLR:kmg:jf

2003 BILL

RMR

- 1 AN ACT to create 49.45 (3) (m) of the statutes; relating to: Medical Assistance  
2 reimbursement for transportation by specialized medical vehicle.

*Analysis by the Legislative Reference Bureau*

Under current law, transportation by means of a specialized medical vehicle (SMV) to receive medical care is a covered Medical Assistance (MA) service for certain MA recipients. This bill requires that, to be certified as an MA provider of SMV transportation, a provider have at least one vehicle that is equipped to accommodate a wheelchair. The bill also provides that an MA provider of SMV transportation may receive MA reimbursement for transporting a person in a vehicle that is not so equipped if the person does not use a wheelchair.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

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5 transportation by specialized medical vehicle, a person must have at least one  
6 vehicle that is equipped to accommodate a wheelchair. The department shall pay for

INS 1-6

**BILL***human services*

1 transportation services by specialized medical vehicle under s. 49.46 (2) (b) 3. that  
2 are provided in a vehicle that is not equipped to ~~accommodate~~ a wheelchair if the  
3 person being transported does not use a wheelchair.

4 (END)

*transport a person in*



**Emery, Lynn**

---

**From:** Gary, Tim  
**Sent:** Tuesday, September 23, 2003 3:28 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-1609/2 Topic: Specialized medical vehicle providers

It has been requested by <Gary, Tim> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-1609/2 Topic: Specialized medical vehicle providers